

10
[HOUSE BILL.]

HOUSE OF REPRESENTATIVES, December 21st, 1863.—Read first and second times, referred to the Committee on Judiciary. December 23, 1863, reported back, with amendments, placed on the Calendar, and ordered to be printed.

[By Mr. GRAY.]

A BILL

To be entitled An Act supplemental to, and amendatory of, the several acts for the sequestration of the estates, property and effects of alien enemies, and for indemnity of citizens of the Confederate States, and persons aiding the same in the existing war with the United States.

1 SECTION 1. *The Congress of the Confederate States of America do*
2 *enact*, That the proceedings for the sequestration or confiscation
3 of any property, money, rights, credits or effects of any alien
4 enemy of the Confederate States which have been or may be had,
5 shall bind and operate against the claim and title, not only of the
6 person named in the proceedings, but also of any and all other
7 alien enemies who would have been liable to such sequestration
8 or confiscation. And no cause of action shall ever exist, or
9 suit be allowed, in behalf of any person who was an alien enemy
10 of the Confederate States, for any property sequestrated and sold,

11 money collected, or rights or estates effected by proceeding had
 12 under the sequestration or confiscation laws, nor in behalf of any
 13 person claiming from or under such alien enemy, by title or in-
 14 terest acquired on or after the the 30th day of August, 1861.

1 SEC. 2. Before any sale shall be made, it shall be the duty of
 2 the receiver or other officer, by whom the sale is to be made, to
 3 cause the property to be appraised by three discreet and disin-
 4 terested resident freeholders of the county or parish in which the
 5 property is situated, under oath, to be administered to them by
 6 the officer, which appraisment shall be in writing, signed by
 7 them, and returned by the officer, with the process in his bonds ;
 8 and if the property, when offered, shall not bring at least two-
 9 thirds of its appraised value, the sale shall be suspended, and the
 10 officer return the process to the court, stating thereon the facts
 11 and cause of such suspension ; but such property may be again
 12 offered for sale, subject to like appraisment, when directed by or-
 13 der of the court.

1 SEC. 3. Reports of sales may be acted on and confirmed
 2 or set aside by the judge, in vacation, in like manner as in
 3 term of court.

1 SEC. 4. Whenever a sale of any property has been or may be
 2 made and confirmed, and terms of sale complied with by the
 3 purchaser, such sale shall pass the title to such property of
 4 all alien enemies of the Confederate States liable to proceedings

5 for sequestration or confiscation, whether named in the proceed-
6 ings therefor or not.

1 SEC. 5. Where a transfer or assignment of title or claim to any
2 property, rights, or credits, of an alien enemy, to a citizen or
3 neutral friend is alleged, the burden of proving that such transfer
4 or assignment was made in good faith, and for valuable consid-
5 eration, before it became liable to sequestration, shall rest on the
6 party asserting the same.

1 SEC. 6. All judgments and decrees which have been, or may
2 hereafter be, rendered, for debts or money under the acts to which
3 this is supplemental, shall have lien on the property of the debtor
4 to the same extent as provided for judgments or executions in
5 State courts by the laws of the State in which they are so
6 rendered; and the district courts shall mould their process for
7 execution of such judgments and decrees according to such
8 laws.

1 SEC. 7. Executions for interest accrued on judgments or
2 decrees, may issue for annual interest, at any time after thirty
3 days from its maturity, either in term or vacation; and the clerk
4 may issue executions in vacation, or judgments for decrees for
5 the amounts due, whenever affidavit is made before him by the
6 receiver that he has reasonable ground for belief that the debtor
7 is fraudulently concealing or disposing of his effects, or is about
8 to remove them beyond the jurisdiction of the court.

1 SEC. 8. Any citizen who has, or who shall before the first day
 2 of July next, in good faith, or without notice of a transfer of
 3 any note, bill or other credit, sequestered as the property of
 4 an alien enemy, pay the debt evidenced thereby to the receiver
 5 or marshal of the Confederate States authorized to collect the
 6 same, and who shall hereafter be made liable or compelled to pay
 7 the same by judgment of a court of the Confederate States, shall
 8 be reimbursed by the Government of the Confederate States in
 9 the amount so paid, with interest at the same rate the debt was
 10 drawing, and costs of suit incurred: *Provided*, That the
 11 debtor shall have notified the Attorney of the Confederate States
 12 of the pendency of such suit so that he may defend the same, or
 13 if such notice be not given, that the judge presiding at the trial
 14 shall certify that the suit was defended in good faith and with
 15 due diligence by the debtor.

1 SEC. 9. After the first day of July next, the treasury notes of
 2 the Confederate States, issued before the first of January, 1864,
 3 shall not be received in payment of debts sequestrated or confis-
 4 cated, under the acts to which this is supplemental.

1 SEC. 10. All claims for any property, right, credit or effects
 2 sequestrated or confiscated in proceedings against an alien enemy,
 3 shall be asserted by institution of suit therefor within one year
 4 after the ratification of a treaty of peace with the United States;
 5 and all claims not so asserted shall be forever barred.

RBr
 Conf.
 Pam.
 #116